

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
V.)	CRIMINAL NO. 1:16-CR-00260(LY)
)	
JOSE DUENAS,)	
Defendant.)	

**DEFENDANT’S FIRST UNOPPOSED MOTION FOR CONTINUANCE AS TO
MOTIONS DEADLINE, ELLIS DEADLINE, TRIAL DOCKET CALL AND
TRIAL SETTING**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE YEAKEL:

COMES NOW THE DEFENDANT, by and through his attorney of record, Jon Evans, in the above entitled and numbered cause, and moves this Court, to Continue the trial of this cause, and in support thereof would show the Court as follows:

I.

Defense Counsel has conferred with Assistant United States Attorney, Dan Guess, who is unopposed to a continuance in this cause.

II.

Although the United States Attorney’s office has been diligent in providing discovery in this matter, Counsel has not received all discovery in this cause. In order to properly advise, represent and provide effective assistance of counsel to the Defendant, further time is needed to prepare in this matter.

III.

All of the various defense counsel for the other co-defendants in this case have

expressed that they have no objection to this continuance being filed.

IV.

There has not been a previous Motion for Continuance sought or filed by the Defendant in this cause.

V.

In attempting to estimate how much time that Defense Counsel will need to adequately prepare, Counsel can only guess as to the volume of material due from the Government. Without knowing more, Defense Counsel can only guess that he will need approximately 4 months in order to be properly prepared for trial.

VI.

The Defendant will forego any speedy trial claims in the future.

VII.

Defense Counsel has spoken today with the Prosecuting Attorney for the United States of America, Dan Guess, and he is unopposed to this continuance.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Court grant this Motion for Continuance.

Respectfully submitted,
Law Office of Jon Evans
806 W. 11TH ST.
Austin, Texas 78701
(512) 476-4075
(512) 477-6840 FAX

BY: /S/ JON EVANS
JON T. EVANS
SBN 00787445
Attorney for Defendant
JOSE DUENAS

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that a true and correct copy of the above and foregoing was delivered by the PACER system to the office of the United States Attorney, Frost Bank Plaza, 816 Congress Avenue, Suite 1000, Austin, Texas, 78701, on this the 21st day of November, 2016.

/S/ JON EVANS
JON EVANS

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ORDER ON THE DEFENDANT'S MOTION FOR CONTINUANCE

Came on the Motion of the Defendant for Continuance of all pre-trial settings as well as the Trial of this cause, and, the Court finds that said Motion should be and is hereby:

_____ **GRANTED**, and the trial of this cause is continued;

_____ **DENIED.**

SIGNED and ENTERED on this the _____ DAY OF NOVEMBER, 2016.

HONORABLE LEE YEAKEL
UNITED STATES DISTRICT JUDGE